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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,135	10/26/2005	Otto Weis	WEIS, O. ET AL 3 (PCT)	1256
25889	7590	12/21/2006		
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3654	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/550,135

Applicant(s)

WEIS ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/26/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example;

- In claim 1, line 3, the term "preferably" renders the claims indefinite as failing to positively claim the structure of the invention.
- Claim 1, line 5, refers to "the platform" which is confusing as the entire device is denoted as a platform in the first line of the claim, and then line 7 also adds an element into the claimed combination of elements which is a platform.
- In the last line of claim 1, the limitation "placement possibility" fails to positively claim the structure of the invention.
- In the claim 2, the limitation "and, if necessary" fails to positively claim the structure of the invention.
- In claim 3, the terms "the clear height" and "the container transport vehicles" lack antecedent basis within the claims.
- In claim 4, the terms "the working height" and "the cross beam" lack antecedent basis within the claims.
- In claim 7, the term "the mobile platform" lacks antecedent basis within the claims.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

4. Claims 1-4, 6, 7 and 10, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over the "A Revolution in Security Inspection Technology" reference (cited by applicant) in view of Eiler. Figure

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10 of the "A Revolution in Security Inspection Technology" reference shows the basic claimed container crane with x-ray equipment on the portal frame. It varies from the claims by not specifying that the x-ray equipment includes a moving shielding. Eiler shows a similar container x-ray device that has a moving hood as a shield, to prevent scattered x-rays, see column 3, lines 19-33. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the x-ray device of the "A Revolution in Security Inspection Technology" with a shield that moves along the containers as the containers are x-rayed, to prevent scattered x-rays, as taught by Eiler


5. Claim 5, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over the "A Revolution in Security Inspection Technology" reference (cited by applicant) in view of Eiler, as applied to claim 1, and further in view of Lucking et al. The "A Revolution in Security Inspection Technology" reference, as modified, shows the basic claimed container crane with x-ray equipment, but varies from claim 8 by not using hydraulic cylinders to move the containers. Lucking et al shows a similar container handling system with cylinder lifting to prevent the containers from swaying during transfer, see column 1, lines 26-30. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the crane of "A Revolution in Security Inspection Technology" by using hydraulic cylinders to lift and move the containers, to prevent load sway, as taught by Lucking et al.

6. Claim 8, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over the "A Revolution in Security Inspection Technology" reference (cited by applicant) in view of Eiler, as applied to claim 1, and further in view of Takehara et al. The "A Revolution in Security Inspection Technology" reference, as modified, shows the basic claimed container crane with x-ray equipment, but varies from claim 8 by not having a sensor system for collision avoidance. Takehara et al shows a similar container handling system with electronic controls to avoid collisions, see column 11, lines 9-15. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the x-ray device of the "A Revolution in Security Inspection Technology" with sensor controls, to avoid collisions, as taught by Takehara et al.

7. Claim 9, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over the "A Revolution in Security Inspection Technology" reference (cited by applicant) in view of Eiler, as applied to claim 1, and further in view of Tax et al. The "A Revolution in Security Inspection Technology" reference, as modified, shows the basic claimed container crane with x-ray equipment, but varies from claim 9 by not showing a conveyor along the upper crane platform. Tax et al shows a similar container handling system with conveyors (64o and 64u) on the container platforms of the crane. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the crane of "A Revolution in Security Inspection Technology" by providing the platform with a conveyor, for moving the containers along the platform, as taught by Tax et al.

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8. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas J. Brahan
Primary Examiner
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